

AMENDED IN SENATE APRIL 11, 2005

AMENDED IN SENATE MARCH 29, 2005

SENATE BILL

No. 1093

Introduced by Senator Soto

February 22, 2005

An act to amend Section ~~21151~~ *Sections 21151 and 21537.5* of the Government Code, relating to public employee benefits.

LEGISLATIVE COUNSEL'S DIGEST

SB 1093, as amended, Soto. Disability retirement: state employees.

Existing law provides that certain members of the Public Employees' Retirement System, including specified safety members, who are incapacitated for the performance of duty as the result of an industrial disability shall receive a disability retirement regardless of age or amount of service. *Existing law provides for the payment of a special death benefit under specified circumstances.* The law includes in these provisions state miscellaneous members in State Bargaining Unit 12 employed by the Department of Transportation, if a memorandum of understanding has been agreed to by the state employer and the recognized employee organization.

This bill would remove the requirement of a memorandum of understanding with respect to state miscellaneous members in State Bargaining Unit 12 employed by the Department of Transportation from the provisions described above.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 21151 of the Government Code is amended to read:

21151. (a) Any patrol, state safety, state industrial, state peace officer/firefighter, or local safety member incapacitated for the performance of duty as the result of an industrial disability shall be retired for disability, pursuant to this chapter, regardless of age or amount of service.

(b) This section also applies to local miscellaneous members if the contracting agency employing those members elects to be subject to this section by amendment to its contract.

(c) This section also applies to all of the following:

(1) State miscellaneous members employed by the Department of Justice who perform the duties now performed in positions with the class title of Criminalist (Class Code 8466), or Senior Criminalist (Class Code 8478), or Criminalist Supervisor (Class Code 8477), or Criminalist Manager (Class Code 8467), Latent Print Analyst I (Class Code 8460), Latent Print Analyst II (Class Code 8472), or Latent Print Supervisor (Class Code 8473).

(2) State miscellaneous members employed by the Department of the California Highway Patrol who perform the duties now performed in positions with the class title of Communications Operator I, California Highway Patrol (Class Code 1663), Communications Operator II, California Highway Patrol (Class Code 1664), Communications Supervisor I, California Highway Patrol (Class Code 1662), or Communications Supervisor II, California Highway Patrol (Class Code 1665).

(3) State miscellaneous members whose disability resulted under the conditions specified in Sections 20046.5 and 20047.

(4) State miscellaneous members in State Bargaining Unit 12 employed by the Department of Transportation.

(d) This section does not apply to local safety members described in Section 20423.6, unless this section has been made applicable to local miscellaneous members pursuant to subdivision (b).

SEC. 2. Section 21537.5 of the Government Code is amended to read:

21537.5. (a) The special death benefit is payable if the deceased was a state miscellaneous member in State Bargaining

1 Unit 12 employed by the Department of Transportation, if his or
2 her death occurred as a result of injury arising out of and in the
3 course of his or her official duties with the department, and if
4 there is a survivor who qualifies under subdivision (b) of Section
5 21541. The Workers' Compensation Appeals Board, using the
6 same procedures as in workers' compensation hearings, shall in
7 disputed cases determine whether the death of the member
8 occurred as a result of that injury.

9 (b) The jurisdiction of the Workers' Compensation Appeals
10 Board shall be limited solely to the issue of industrial causation,
11 and this section may not be construed to authorize the Workers'
12 Compensation Appeals Board to award costs against this system
13 pursuant to Section 4600, 5811, or any other provision of the
14 Labor Code.

15 ~~(c) This section shall not become operative unless and until a~~
16 ~~memorandum of understanding has been agreed to by the state~~
17 ~~employer and the recognized employee organization making this~~
18 ~~section applicable to those members described in subdivision (a).~~